



State of Utah
DEPARTMENT OF NATURAL RESOURCES
DIVISION OF OIL, GAS AND MINING

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June 24, 1997

TO: James W. Carter, Division Director

FROM: Anthony A. Gallegos, Senior Reclamation Specialist *aa*

RE: Request for Full Release of Reclamation Surety, Jay Pagano Estate, Pagano Clay Mine
M/015/062, Emery County, Utah

This memo is written in accordance with the October 23, 1996 Procedures for Release of Reclamation Surety and Surety Changes, Section III, A., Surety Release by Director for Full Reclamation (copy attached).

On December 4, 1996, the Division received a written request for surety release from East Carbon Constructors, Inc. (ECCI) for the Pagano Clay Mine (copy attached). ECCI is the entity responsible for the reclamation work at the site with Harold Marston listed as the operator. The site was last inspected by the Division on April 29, 1997. At the time of that inspection the vegetation had survived three growing seasons and met the Division requirement of 70% of pre-mining vegetative cover (copy of inspection memo attached).

The \$3,700 surety posted for this operation was required by the Board as a result of a Division Notice of Noncompliance. The Board directed the operator to perform reclamation of the site and post a surety until the reclamation was considered successful. The project disturbance included "trespass" areas on State and BLM lands. No formal notice or lease application was submitted to SITLA or the BLM in connection with these "trespass areas". From telephone conversations with John Blake of SITLA and Dean Nyffeler of the BLM there are no concerns from SITLA or the BLM with the Division's release of this reclamation surety. No formal notification is required from these agencies because they have no formal submissions for this site are on file.

The surety and reclamation plan for the Pagano Clay Mine are separate from the surety and mine plan for the ECDC Clay Mine. Both projects are listed under the same permit number due to the overlap of the ECDC permit area with the Pagano Clay Notice of Noncompliance Area. The Division currently holds a separate reclamation surety of \$20,600 for 18 acres of disturbance under the ECDC permit.

If you are in agreement with the full release of the \$3,700 Pagano Clay Mine reclamation surety for reclamation completion, please sign the enclosed letter to the operator granting the release.

jb

Attachments: Oct. 23, 1996 Surety Release Procedures, 12/2/96 ECCI letter, Inspection Memo 6/18/97
Enclosure: Surety Release letter to the mine operator
m15-62rl.mem